

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-cv-61

JASON KLOEPFER,

Plaintiff

v.

OUTBACK STEAKHOUSE OF FLORIDA,
LLC; BLOOMIN' BRANDS, INC. and
CORVEL CORPORATION,

Defendants.

NOTICE OF REMOVAL

Defendants Outback Steakhouse of Florida, LLC and Bloomin' Brands, Inc. (collectively, "Defendants") file this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Defendants state the following in support of the removal:

1. Plaintiff commenced this action on December 22, 2021 against Defendants in the Wayne County Superior Court, State of North Carolina, by filing a Complaint styled *Jason Kloepfer v. Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., and CorVel Corporation*, File No. 21 CVS 2182 (the "State Court Action").

2. Plaintiff served Defendants with the Summons and Complaint as follows:

a. Defendant Outback Steakhouse of Florida, Inc. received the Summons and Complaint on January 10, 2022 by Certified Sheriff Appointed Process Server.

a. Defendant Bloomin Brands, Inc. received the Summons and Complaint on January 10, 2022 by Certified Sheriff Appointed Process Server.

3. Defendants file this Notice of Removal within thirty (30) days from service of process of the Summons and Complaint which sets forth claims for relief upon which this proceeding is based, pursuant to 28 U.S.C. § 1441 and 1446(b)(1).

4. All process, pleadings, and orders filed in the State Court action, which were served on Defendants are attached as Exhibit A.

5. No defendant in the State Court Action has filed an answer or other responsive pleading. In filing this Notice of Removal, Defendants do not waive any defense or counterclaim they may have.

6. Plaintiff is a citizen and resident of Cherokee County, North Carolina.

7. Defendant Outback Steakhouse of Florida, LLC is a Florida corporation with its principal place of business in Florida.

8. Defendant Bloomin' Brands, Inc. is a Delaware corporation with its principal place of business in Florida.

9. Upon information and belief, CorVel Corporation is a Delaware corporation with a principal place of business in California. Upon information and belief, it has not been served yet.

10. Plaintiff is asserting a claim for negligence based on an alleged fall in the men's bathroom at an Outback Steakhouse location in Goldsboro, North Carolina. Plaintiff alleges that "as a result of negligence and failure to maintain a clean and safe restroom floor, the plaintiff Jason Kloefer suffered a multi fractured knee" and other personal injuries. (Para. 6). his "first step into the bathroom was met with a slick greasy floor." He alleges that he "has suffered and is still suffering physical pain from his injury," that he "has suffered and still suffering from mental stress of this incident," and "Plaintiff will continue for the rest of his life with pain in his knee

and will get worse as he gets older.” Plaintiff alleges his damages are “in excess of \$100,000 for pain and suffering and also for actual and punitive damages.”

11. The District Courts of the United States have original jurisdiction of this action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

12. Service of this Notice of Removal is being made on the Plaintiff as shown by the attached certificate of service.

13. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will serve Plaintiff and file with the Wayne County Superior Court a Notice of Filing of Notice of Removal.

WHEREFORE, Defendants pray that this action be removed to this Court for all further proceedings, as though this action had originally been instituted in this Court. Defendants further request that this Court assume jurisdiction over this action and proceed to a final determination thereof.

This the 8th day of February, 2022.

YOUNG MOORE AND HENDERSON, P.A.

BY: /s/ Christopher A. Page
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and served the individual listed below by U.S. Mail:

Jason Koepfler
1790 Upper Bear Paw Road
Murphy, NC 28906
Pro-Se Plaintiff

This the 8th day of February, 2022.

YOUNG MOORE AND HENDERSON, P.A.

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